

Attorney Docket No.: J3509(C)
Serial No.: 09/764,734
Filed: January 17, 2001
Confirmation No.: 6621

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit this Supplemental Information Disclosure Statement (IDS) for the above identified application. The IDS accompanies the filing of a Request for Continued Examination (RCE). **Applicants note that with the filing of the RCE, a suspension of action (three months) on the above-identified application has been requested.**

Information and documents related to the above-identified application are submitted herewith. The information and documents are intended for the Examiner's consideration and for citation with the instant case. This submission does not constitute either a representation that a thorough search has been made or an admission that the information and documents cited herein are properly citable against the above-identified application. Comments accompanying the documents, if any comments are included, are believed to constitute a concise explanation of the relevance of the documents. However, any such comments are not intended to take the place of the Examiner's independent consideration of each document. An attached PTO Form 1449 lists these documents.

It is also noted that the subject application and other applications/patents that, in the US, correspond to the following applications/patents of Unilever Home & Personal Care USA, Division of Conopco, Inc.:

Serial No.: 09/764,829 (issued as US 6,893,630);
Serial No.: 11/103,284,
Serial No.: 09/764,735 (issued as US 6,793,914);
Serial No.: 10/895,179;
Serial No.: 09/973,343 (issued as US 6,503,490) and
Serial No.: 10/198,435

are the subject of an arbitration proceeding at the London Court of International Arbitration (Unilever U.K. Central Resources, Ltd. et al. v. IRC, Israel Resource Corporation et al.). Entitlement to such applications/patents (including ownership and inventorship thereof) are among the matters that are the subject of this dispute. A hearing date is set for March, 2008. A related proceeding brought in the United States District Court for the Northern District of California has been stayed pending the arbitration proceedings.¹ A copy of the Complaint filed in the US District Court proceeding is attached.

It is further noted that EP 124 520 (a family member of US Serial Nos. 09/764,735 and 10/895,179) was opposed by L' Oreal. A copy of the decision of the Opposition Division of the EPO, which maintained the claims of the EP patent, is attached. That decision has been appealed by L'Oreal; a copy of L'Oreal's Statement of Grounds of Appeal and translation thereof are also attached.

It is further noted that a Final Rejection has been received in co-pending application Serial No. 10/895,179. A copy of that Rejection and the Amendment addressed by same are attached.

It is further noted that a deodorant pump spray product known as Giovanna Baby Blue was available in Brazil at least as early as the first quarter of 2001. Label information, in Portuguese, identifies the product as containing "Álcool Neutro, Água Deionizada, Dipropilenoglicol, Triclosan, D.T.P.A.Pentassódico, Ácido Cítrico, Essência" which ingredient list is believed to translate as: alcohol "neutral", deionized water, dipropylene glycol, triclosan, DTPA pentasodium, citric acid and fragrance. The same list of ingredients is also provided on the label in Spanish. A photocopy of the product container is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required to our deposit account No. 12-1155, including all required fees under: 37 C.F.R. §1.16; 37 C.F.R. §1.17; 37 C.F.R. §1.18; 37 C.F.R. §1.136.

Respectfully submitted,



Karen E. Klumas
Registration No. 31,070
Attorney for Applicant(s)

KEK/sa
(201) 894-2332

¹ It is noted that U.S. Serial No. 10/198,435 was not named in the US District Court proceedings, but was subsequently made part of the arbitration by IRC.